

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1744

IN THE MATTER OF:

Served September 1, 1977

Order to Show Cause Directed to       )  
the BALTIMORE AND ANNAPOLIS       )  
RAILROAD COMPANY                    )

Docket No. 334

By Order No. 1731, served August 5, 1977, further public hearing in the above-captioned matter was scheduled to commence September 14, 1977. On August 18, 1977, respondent Baltimore and Annapolis Railroad Company tendered for filing a motion to vacate Order No. 1731 and to cancel the hearing scheduled thereby. Respondent also moves to quash a subpoena, served August 8, 1977. In support of the motion, it is alleged that the Commission failed to find that "conditions of fact or law have changed. . . or that the public interest requires the reopening of such proceeding. . . ."

Title II, Article XII, §16 of the Compact provides that any person "affected by any final order or decision" of the Commission may seek reconsideration thereof within a specified time. Inasmuch as the subject order merely schedules further hearing, it is interlocutory in nature and reconsideration does not lie. Accordingly, the tendered motion must be rejected. We note in passing, however, that a finding that the public interest requires further hearing is implicit in Order No. 1731.

THEREFORE, IT IS ORDERED that the above-referenced motion of Baltimore and Annapolis Railroad Company, tendered for filing August 18, 1977, be, and it is hereby, rejected.

BY DIRECTION OF THE COMMISSION:



GREGORY P. BARTH  
Acting Executive Director